



*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 22, 2023

VIA ECF

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Sung Kook (Bill) Hwang, et al.*, 22 Cr. 240 (AKH)

Dear Judge Hellerstein:

The Government respectfully writes to advise the Court that the parties conferred in July and agreed to a schedule with respect to the exchange of certain material and information prior to and during trial in this matter, which is scheduled to begin on February 20, 2024. The parties now respectfully request that the Court endorse their proposed schedule:

Date	Deadline
December 8, 2023	The parties provide notice to each other, consistent with the requirements of Federal Rule of Criminal Procedure 16, of experts potentially to be called, if any, during the Government's case-in-chief and the defendants' cases.
December 12, 2023	The Government provides notice to the defendants of evidence it may seek to offer pursuant to Federal Rule of Evidence 404(b) as well as notice of individuals the Government anticipates, based on its investigation to date, that it may identify as co-conspirators during trial.
December 19, 2023	<p>The parties file any motions pursuant to the standard set forth in <i>Daubert v. Merrell Dow Pharmaceuticals, Inc.</i>, 509 U.S. 579 (1993).</p> <p>The Government provides to the defendants a list of exhibits the Government reasonably expects to seek to introduce during its case-in-chief. This exhibit list will be subject to good-faith revision as the Government continues to prepare its case for trial, including in response to the defense's list of proposed exhibits that it anticipates seeking to introduce into evidence.</p>
December 26, 2023	The Government provides to the defendants material covered by 18 U.S.C. § 3500, including material pursuant to <i>Giglio v. United States</i> , 405 U.S. 150 (1972), for any witness expected, as of this date, to testify

	pursuant to a cooperation agreement, non-prosecution agreement, or immunity order.
January 5, 2024	The Government provides to the defendants material covered by 18 U.S.C. § 3500, including material pursuant to <i>Giglio v. United States</i> , 405 U.S. 150 (1972), for remaining witnesses.
January 9, 2024	The parties file any oppositions to motions pursuant to the standard set forth in <i>Daubert v. Merrell Dow Pharmaceuticals, Inc.</i> , 509 U.S. 579 (1993). The Government provides to the defendants a list of witnesses whom the Government reasonably expects to call in its case-in-chief.
January 16, 2024	The parties file proposed jury instructions, voir dire, and verdict forms.
January 23, 2024	The defendants provide to the Government a list of exhibits that the defendants reasonably expect to introduce during the Government's case-in-chief or the defendants' cases. This exhibit list will be subject to good-faith revision as the defense continues to prepare for their cases. The parties file motions <i>in limine</i> .
February 6, 2024	The defendants provide to the Government material covered by Federal Rule of Criminal Procedure 26.2 and a list of witnesses whom the defendants reasonably expect to call in their cases. The parties file oppositions to motions <i>in limine</i> .
February 10, 2024	The parties file replies to motions <i>in limine</i> (if any).

The parties recognize that Section 3500 and Rule 26.2 obligations are continuing, and accordingly that when new material is generated after the pertinent deadlines described above, such material will be timely provided.

Finally, both the Government and the defense anticipate timely agreeing to stipulations to avoid the need to call custodians of records or otherwise to authenticate evidence or the accuracy of transcripts for which there are no disputed issues. The parties agree that the dates set forth herein do not alter the parties' reciprocal discovery obligations, absent an order to the contrary.

The Government respectfully requests, on behalf of the parties, that the Court order the proposed schedule for filings and disclosures set forth above.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: 

Matthew Podolsky
Alex Rossmiller
Alexandra Rothman
Samuel Rothschild
Andrew Thomas
Assistant United States Attorneys
Tel.: (212) 637-1947/-2415/-2580/-2504/-2106

Cc: Counsel of Record (via ECF)